

Article 3

Development Review Procedures

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Sec. 3.1 General

The general provisions of this section apply to all development applications and procedures under this article unless otherwise stated.

3.1.1 Authority to File Applications

Unless otherwise expressly stated, all applications under this article shall be initiated by all the fee owners of the subject property. The fee owners may designate an authorized agent to represent them. [Revised 3.11.08]

3.1.2 Ownership Disclosure

The ownership disclosure requirements of this subsection shall apply to all applications for Zoning Map Amendments, Subdivisions, Conditional Use Permits, Zoning Variances, Vacations and Appeals of Administrative Decisions if the application pertains to specific real property.

- 3.1.2.1** If the fee owner has entered into a contract for the sale of the subject property, the contract purchaser shall be a co-petitioner to the petition or application.
- 3.1.2.2** If the subject property is governed by a land trust agreement, the trustee of the land trust shall be a petitioner or co-petitioner. When the petitioner or co-petitioner is a land trust or trustee of a land trust, the application shall identify each beneficiary of such land trust by name and address and define each beneficiary's interest therein. All applications shall be verified by the applicant, petitioner, or co-petitioner in his or her capacity as trustee.
- 3.1.2.3** When the petitioner or co-petitioner is a corporation, the petition or application shall include the correct names and addresses of all stockholders or shareholders owning any interest in excess of 20 percent of all outstanding stock of such corporation.
- 3.1.2.4** When the petitioner or co-petitioner is a business entity doing business under an assumed name, the petition or application shall include the names and addresses of all true and actual owners of such business or entity.

- 3.1.2.5** When the petitioner or co-petitioner is a partnership, joint venture, syndicate, or an unincorporated voluntary association, the application shall include the names and addresses of all partners, joint venturers, syndicate members, or members of the unincorporated voluntary association.

3.1.3 Form of Application

Applications required under this Article shall be submitted in a format and in such numbers as required by the official responsible for accepting the application. Application submittal requirements and format information shall be available to the public in the Planning, Building and Development Department.

3.1.4 Filing Fees

Applications shall be accompanied by the fee amount that has been established by the County Board for the respective type of application. Fees shall not be required for applications initiated by the County Board.

3.1.5 Application Completeness

An application shall be considered complete if it is submitted in the required format, includes all mandatory information and is accompanied by the established fee. Any application that is determined to be incomplete shall, within 3 days of its submittal, be returned to the applicant along with an explanation of the application's deficiencies. No further processing of the application shall occur until the deficiencies are corrected. Once the deficiencies are corrected, the application may be resubmitted without the payment of additional fees.

3.1.6 Application Check-In Meetings

When the procedures of this Ordinance expressly require that applications be submitted during a "check-in meeting" applicants shall be responsible for scheduling and attending such meetings. When check-in meetings are required, an application shall not be accepted until a check-in has been conducted and any errors or omissions noted at the check-in have been addressed by the applicant.

3.1.7 Notices

3.1.7.1 Content

All notices required under this Ordinance shall: (1) indicate the date, time and place of the public hearing or date of action that is the subject of the notice; (2) describe the property involved in the application by street address and, if required, by legal description; (3) describe the nature, scope and purpose of the application or proposal; and (4) indicate where additional information on the matter can be obtained.

3.1.7.2 Types

a. Neighbor Notice

When the provisions of this Ordinance require that Neighbor Notice be provided, the official responsible for accepting the application shall mail notice to all property owners of record who will be affected by the development or activity that is the subject of the application. At a minimum, notice shall be mailed to all record owners of property adjacent to the subject property, excluding rights-of-way. Ownership information shall be obtained from Lake County Map Services. Failure to provide neighbor notice shall not invalidate any action taken.

b. Notice to Reviewing Agencies and Interested Parties

When Neighbor Notice is required, the Planning, Building and Development Director shall also provide written notice to the following Reviewing Agencies and individuals, as deemed appropriate by the Planning, Building and Development Director in light of the subject matter:

1. Cable television company
2. County Board district member
3. Electric company
4. Fire department/ protection district
5. Gas company
6. Illinois Department of Natural Resources
7. Illinois Department of Transportation
8. JULIE
9. Lake County Forest Preserve District
10. Lake County Map Services
11. Local postmaster
12. Mayor/President of all municipalities within a 1.5-mile radius of the subject property
13. METRA and PACE
14. Planning Building and Zoning Committee members
15. Regional Planning Commission
16. Regional Superintendent of Schools
17. Soil and Water Conservation District
18. Sanitary District
19. Stormwater Management Commission
20. Superintendent, grade school district
21. Superintendent, high school district
22. Telephone company
23. Township Assessor

24. Township Highway Commissioner

25. Township Supervisor

26. Water District

Failure to provide notice to Reviewing Agencies or interested parties shall not invalidate any action taken.

c. Newspaper Notice

When the provisions of this Ordinance require that notice be published in the newspaper, the official responsible for accepting the application shall ensure that notice is published in a newspaper of general circulation in the township in which the subject property is located. In the case of Ordinance Text Amendments or when there is no newspaper of general circulation in the township, the notice shall be published in a newspaper of general circulation in the county.

d. Posted Notice

When the provisions of this Ordinance require that notice be posted, the official responsible for accepting the application shall post the notice on the subject property in a manner that makes the notice clearly visible to neighboring residents and passers-by from each adjacent street. Failure to correctly post notice shall not invalidate any action taken.

3.1.7.3 Timing

Unless otherwise specifically provided in state statutes or this Ordinance, Neighbor, Newspaper and Posted notice of public hearings shall be mailed, published or placed at least 10 days before the public hearing, meeting, or date of action that is the subject of the notice.

3.1.7.4 Constructive Notice

Minor defects in a notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements. Failure of a party to receive notice shall not invalidate any subsequent action. In all cases, however, the requirements for the timing of the notice and for specifying the date, time and place of a hearing and the location of the subject property shall be strictly construed. If questions arise regarding the adequacy of notice, the body conducting the hearing or meeting shall make a formal finding regarding whether there was substantial compliance with the notice requirements of this Ordinance.

3.1.8 Action by Decision-Making Bodies

Unless otherwise expressly stated, Decision-Making Bodies shall be authorized to approve, approve with conditions or deny applications and permit requests based on compliance with the applicable review and approval criteria. Decision-Making Bodies shall also be authorized to refer an application back to the review body or to defer action while additional information is being obtained.

3.1.9 Conditions of Approval

In approving development applications, Decision-Making Bodies shall be authorized to impose such conditions upon the premises benefited by the approval as allowed by law and as may be necessary to reduce or

minimize any potential adverse impact upon other property in the area, or to carry out the general purpose and intent of this Ordinance, so long as the condition relates to a situation created or aggravated by the proposed use and is roughly proportional to its impact.

3.1.10 Inaction by Review and Decision-Making Bodies

When a review or decision-making body fails to take action on an application within the time required, such inaction shall be interpreted as a recommendation of denial or denial of the application, respectively, unless the applicant agrees to an extension of the time-frame, prior to the deadline for action.

3.1.11 Approval Criteria; Burden of Persuasion

In all cases, the applicant shall have the burden of establishing that an application complies with applicable approval criteria.

3.1.12 Public Hearings

3.1.12.1 Location

Unless otherwise specifically required, public hearings required in this article shall be held in the township in which the subject property is located or in the Lake County Court House or other County building. If the owner of the subject property so requests, the hearing shall be held in the township in which the subject property is located. In considering amendments to the text of this Ordinance, the hearing shall be held in the County Court House or other suitable County Building. [Revised 3.11.08]

3.1.12.2 Continuation

A public hearing for which proper notice was given may be continued to a later date without again complying with the notice requirements of this Ordinance, provided that the continuance is set for a date and time certain and the date and time is announced at the public hearing.

Sec. 3.2 Text Amendments

3.2.1 Application Filing

3.2.1.1 Who May File

Any person may file an application for an Ordinance Text Amendment.

3.2.1.2 Application Submittal

Applications for amendments to the text of this Ordinance shall be submitted to the Planning, Building and Development Department on forms available from the Planning, Building and Development Department. When a text amendment is initiated by the County Board, a resolution approved by the County Board shall be considered an application.

3.2.2 Public Hearing Notice

Newspaper notice and notice to Reviewing Agencies and interested parties shall be provided for all public hearings in accordance with the requirements of §§3.1.7.

3.2.3 Staff Review and Recommendation

Planning, Building and Development Department staff shall review each proposed text amendment in light of the Text Amendment Approval Criteria of §§3.2.8 and provide a report to the Zoning Board of Appeals.

3.2.4 Regional Planning Commission Review and Recommendation

All text amendments shall be forwarded to the Regional Planning Commission for its review and recommendation. Recommendations of the Regional Planning Commission shall be forwarded to any review and decision-making bodies on the proposed text amendment.

3.2.5 Zoning Board of Appeals Review and Recommendation

The Zoning Board of Appeals shall hold a public hearing on the proposed text amendment and make a recommendation to the County Board, based on the Text Amendment Approval Criteria of §§3.2.8. In the case of amendments to the text of Article 10 (Subdivisions), Article 11 (School and Park Contributions) or the procedures of Sec. 3.12 (Vacations), the Planning, Building and Zoning Committee shall hold the public hearing and make the recommendation to the County Board instead of the Zoning Board of Appeals.

3.2.6 Planning, Building and Zoning Committee Review and Recommendation

After receiving the recommendation of the Regional Planning Commission and the Zoning Board of Appeals, the Planning, Building and Zoning Committee shall review the application and make a recommendation to the County Board based on the Text Amendment Approval Criteria of §§3.2.8.

3.2.7 County Board Review and Action

After receiving required recommendations, the County Board shall review the application and act to approve, approve with conditions or deny the proposed amendment based on the Text Amendment Approval Criteria of §§3.2.8.

3.2.8 Text Amendment Approval Criteria

Text Amendments to this Ordinance may be approved only upon an affirmative finding that all of the following approval criteria have been met:

- 3.2.8.1** the proposed amendment corrects an error or inconsistency or meets the challenge of a changing condition;
- 3.2.8.2** the proposed amendment is consistent with the purpose and intent of this Ordinance (Sec. 1.5); and
- 3.2.8.3** the proposed amendment will not adversely affect the health, safety, morals and general welfare of the public.

3.2.9 Protest Petitions

If a valid protest petition is filed on a proposed amendment to the text of any provision of this Ordinance other than those provisions of Article 10 (Subdivisions), Article 11 (School and Park Contributions) or the procedures of Sec. 3.12 (Vacations), the amendment shall require an affirmative vote of at least 75 percent of all the members of the County Board. Protest petitions shall be filed with the County Clerk by 1:00 p.m. on the day before the County Board acts on the proposed text amendment.

Commentary

Protest petitions are governed by state statutes [55 ILCS 5/5-12014(b)]

Sec. 3.3 Zoning Map Amendments (Rezoning)

3.3.1 Application Filing

3.3.1.1 Who May File

Zoning Map Amendments may be initiated by the County Board, by application of all the fee owners of the subject property or by the owners' authorized agent. When the County Board initiates action under this Ordinance it does so without prejudice towards the outcome.

3.3.1.2 Application Submittal

Applications for amendments to the official zoning map shall be submitted to the Planning, Building and Development Department on forms available from the Planning, Building and Development Department. Rezoning applications may be processed concurrently with applications for Site Capacity/Site Plan Review and Subdivision Preapplication Conferences. When a zoning map amendment is initiated by the County Board, a resolution approved by the County Board shall be considered an application.

3.3.2 Public Hearing Notice

Neighbor, Newspaper and Posted notice of the Zoning Board of Appeals' public hearing shall be provided in accordance with the requirements of §§3.1.7.

3.3.3 Staff Review and Recommendation

Planning, Building and Development Department staff shall review each proposed zoning map amendment in light of the Map Amendment Approval Criteria of §§3.3.8 and provide a report to the Zoning Board of Appeals.

3.3.4 Regional Planning Commission Review and Recommendation

3.3.4.1 Zoning Map Amendments shall be forwarded to the Regional Planning Commission for their review and recommendation if they are not consistent with the Regional Framework Plan, do not involve a rezoning to a less intensive zoning district, and either: [Revised 11.08.05]

[Revised 11.08.05]

- a. include 40 or more acres of land area;
- b. have the potential to allow development of 100 or more dwelling units or 100,000 or more square feet of nonresidential floor area; or
- c. in the opinion of the Planning, Building and Development Director, have the potential to generate significant regional impacts.

3.3.4.2 Recommendations of the Regional Planning Commission shall be forwarded to any review and decision-making bodies on the proposed rezoning.

3.3.5 Zoning Board of Appeals' Review and Recommendation

The Zoning Board of Appeals shall hold a public hearing on the proposed amendment and recommend approval, approval with conditions or denial of the application based on the Map Amendment Approval Criteria of §§3.3.8.

3.3.6 Planning, Building and Zoning Committee Review and Recommendation

After receiving the recommendation of the Regional Planning Commission and the Zoning Board of Appeals, the Planning, Building and Zoning Committee shall review the application and make a recommendation to the County Board based on the Map Amendment Approval Criteria of §§3.3.8.

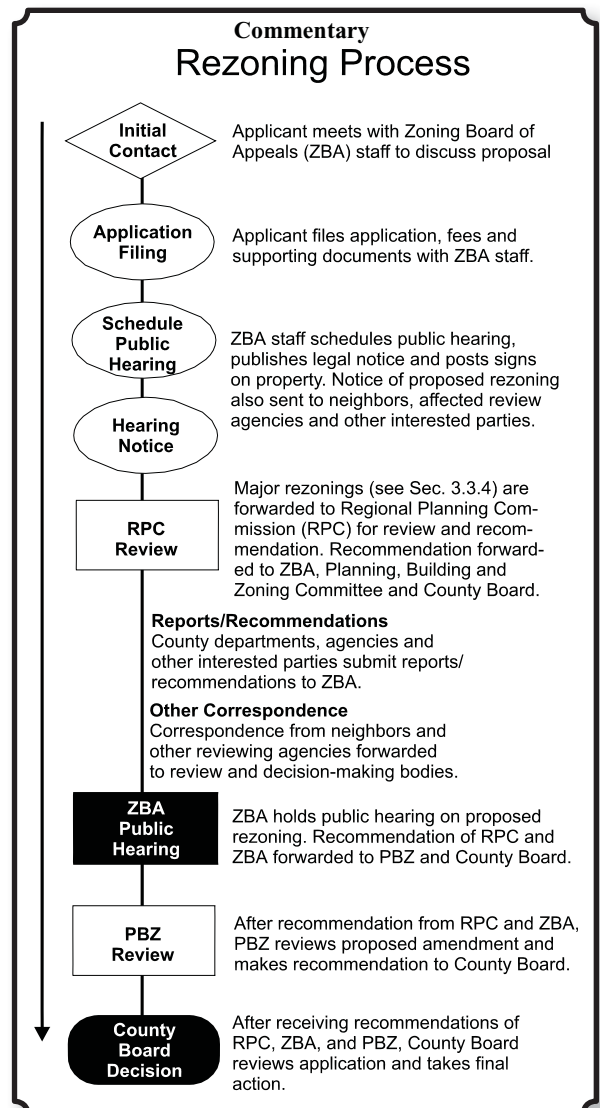
3.3.7 County Board Review and Action

After receiving the required recommendations, the County Board shall review the application and act to approve, approve with conditions or deny the proposed amendment based on the Map Amendment Approval Criteria of §§3.3.8.

3.3.8 Map Amendment Approval Criteria

In making its recommendation, the Zoning Board of Appeals shall consider, and make findings of fact in relation to, the following criteria. The recommendation of the Zoning Board of Appeals shall be based on the preponderance of the evidence related to the following factors and no one factor shall be controlling: [Revised 06.13.06]

- 3.3.8.1 the proposed amendment is consistent with the stated purpose and intent of Sec. 1.5;
- 3.3.8.2 the proposed amendment corrects an error or inconsistency or meets the challenge of some changing condition in the area;
- 3.3.8.3 the proposed amendment will allow development that is compatible with existing uses and zoning of nearby property;
- 3.3.8.4 the county and other service providers will be able to provide adequate public facilities and services to the property, while maintaining adequate levels of service to existing development;
- 3.3.8.5 the proposed amendment will not result in significant adverse impacts on other property in the vicinity of the subject tract or on the environment, including air, water, noise, stormwater management, wildlife and natural resources; and
- 3.3.8.6 the subject property is suitable for proposed zoning classification.



3.3.9 Protest Petitions

If a valid protest petition is filed, the amendment shall require an affirmative vote of at least 75 percent of all the members of the County Board. Protest petitions shall be filed with the County Clerk by 1:00 p.m. on the day before the County Board acts on the proposed Zoning Map amendment.

Commentary

Protest petitions are governed by state statutes [55 ILCS 5/5-12014(b)]

Sec. 3.4 Site Capacity Calculations/Site Plan Review

Site Capacity Calculation/Site Plan Review procedures are located in Sec. 4.1.

Sec. 3.5 Subdivision

Subdivision review procedures are located in Sec. 10.2.

Sec. 3.6 Conditional Use Permits

3.6.1 Classification of Conditional Use Permits [Revised 11.09.04]

3.6.1.1 Delegated Conditional Use Permits

Delegated Conditional Use Permits are those Conditional Use Permits for which the County Board has delegated final decision-making authority to the Zoning Board of Appeals, as provided in Sec. 6.2 and Sec. 6.5.4.

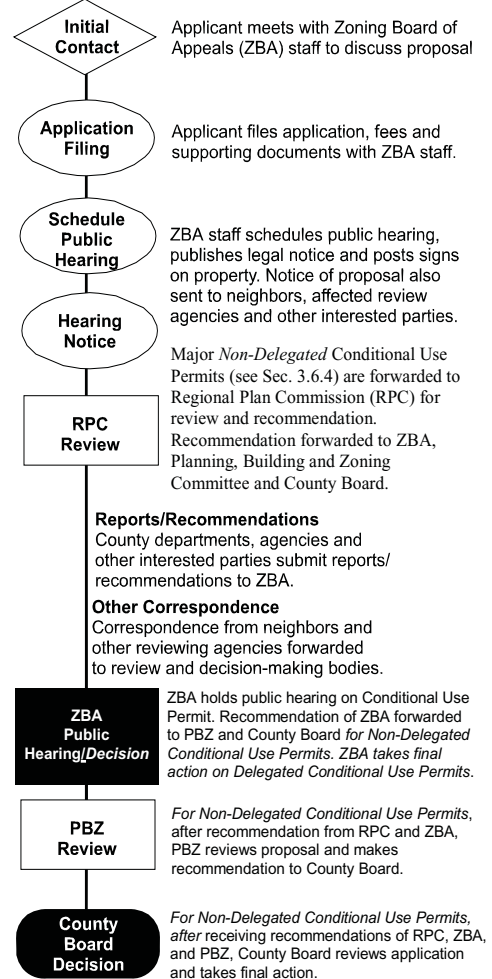
3.6.1.2 Non-Delegated Conditional Use Permits

Non-Delegated Conditional Use Permits are those Conditional Use Permits for which the County Board has retained the final decision-making authority, as provided in Sec. 6.2.

3.6.2 Application Filing

Applications for Conditional Use Permits shall be submitted to the Planning, Building and Development Department on forms available from the Planning, Building and Development Department.

CONDITIONAL USE PERMIT PROCESS



3.6.3 Public Hearing Notice

Neighbor, newspaper and posted notice of the Zoning Board of Appeals' public hearing shall be provided in accordance with the requirements of §§3.1.7.

3.6.4 Staff Review and Recommendation

Planning, Building and Development Department staff shall review each Conditional Use Permit application in light of the Approval Criteria of §§3.6.7 and provide a report to the Zoning Board of Appeals.

3.6.5 Regional Planning Commission Review and Recommendation

- 3.6.5.1** Non-Delegated Conditional Use Permit applications [Revised 11.09.04] shall be forwarded to the Regional Planning Commission for their review and recommendation if the proposal is not consistent with the Regional Framework Plan and [Revised 11.08.05] any one of the following criteria are met:

[Revised 11.08.05]

- a. the proposed development includes 40 or more acres of land area;
- b. the proposed development has the potential to allow development of 100 or more dwelling units or 100,000 or more square feet of nonresidential floor area; or
- c. in the opinion of the Planning, Building and Development Director, the proposal has the potential to generate significant regional impacts.

- 3.6.5.2** Recommendations of the Regional Planning Commission shall be forwarded to any review and decision-making bodies on the proposed Conditional Use Permit.

3.6.6 Review and Action

3.6.6.1 Delegated Conditional Use Permits

The Zoning Board of Appeals shall hold a public hearing on a Delegated Conditional Use Permit request and approve, approve with conditions or deny such request based on the Conditional Use Approval Criteria of §§3.6.7. [Revised 11.09.04]

3.6.6.2 Non-Delegated Conditional Use Permits [Revised 11.09.04]

a. Zoning Board of Appeals' Review and Recommendation

The Zoning Board of Appeals shall hold a public hearing on the Non-Delegated Conditional Use Permit request [Revised 11.09.04] and recommend approval, approval with conditions or denial of the application based on the Conditional Use Approval Criteria of §§3.6.7.

b. Planning, Building and Zoning Committee Review and Recommendation

After receiving the recommendation of the Regional Planning Commission and the Zoning Board of Appeals, the Planning, Building and Zoning Committee shall review the application and make a recommendation to the County Board based on the Conditional Use Approval Criteria of §§3.6.7.

c. County Board Review and Action

After receiving the required recommendations, the County Board shall review the application and act to approve, approve with conditions or deny the application based on the Conditional Use Approval Criteria of §§3.6.7.

3.6.7 Conditional Use Approval Criteria

Conditional Use Permits may be approved only if all of the following criteria are met: [Revised 11.09.04]

- 3.6.7.1** the use in its proposed location will be consistent with the stated purpose and intent of Sec. 1.5;
- 3.6.7.2** the proposed use in its proposed location complies with all applicable standards of this Ordinance, including any applicable Use Standards of Sec. 6.3.; and
- 3.6.7.3** the proposed use in its proposed location will not have a substantial adverse impact on any of the following, either as they exist at the time of application or as they may be developed in the future due to implementation of the Regional Framework Plan [Revised 11.08.05]:
 - a.** adjacent property,
 - b.** the character of the neighborhood,
 - c.** natural resources,
 - d.** infrastructure,
 - e.** public sites, or
 - f.** any other matters affecting the public health, safety, or general welfare.

3.6.8 Findings of Fact; Written Transcripts

All decisions on Conditional Use Permits shall be supported by findings of fact specifying the reasons for the decision. A written transcript of the hearing shall be prepared for all Conditional Use Permits. [Revised 06.10.03]

3.6.9 Lapse of Approval

Unless otherwise expressly stated in the Conditional Use Permit, if an approved Conditional Use has not been established within 2 years of the date of approval or if the use that is the subject of the Conditional Use Permit is abandoned [Revised 12.13.05] for a period of more than 1 year, the Conditional Use Permit shall lapse and be of no further effect. For purposes of this section, the term “established” shall mean the issuance of a permit or permits for the principal use that is the subject of the Conditional Use Permit. For phased development the term “established” shall mean the issuance of a permit or permits for the first phase of development. [Revised 06.10.03] The time-frames of this subsection may be extended for up to 2 years [Revised 12.13.05] by the Planning, Building and Zoning Committee [Revised 06.10.03] if an extension request is filed with the Planning, Building and Development Director prior to expiration of the Conditional Use Permit.

3.6.10 Amendments to Approved Conditional Use Permits

The Planning, Building and Zoning Committee shall be authorized to allow establishment of accessory uses and structures. Any other proposed change, amendment, variation, or alteration may be approved only pursu-

ant to the standards and procedures established by this section for the Permit's original approval. The Planning, Building and Development Director shall record and maintain a record of all authorized changes in approved Conditional Use Permits.

Sec. 3.7 Planned Unit Developments

3.7.1 Overview

Planned Unit Developments (PUDs) shall be processed, reviewed and approved in three steps: (1) Preapplication Conference; (2) PUD Preliminary Plan/Plat (processed concurrently with the required Conditional Use Permit and any required Zoning Map Amendment); and (3) PUD Final Plan/Plat. A Conditional Use Permit and any zoning change approved for a Planned Unit Development shall not become effective until the Final PUD Plat/Plan is approved in accordance with the procedures of this section and recorded in the office of the County Recorder. The standards that apply to PUDs are set out in Sec. 7.8. Notwithstanding the fact that approved Planned Unit Developments are issued a Conditional Use Permit, the procedures of this section shall govern in the review and approval of Planned Unit Developments.

3.7.2 Preapplication Conference

The Preapplication Conference step of the Planned Unit Development process is intended to familiarize the applicant with applicable procedures, submittal requirements, development standards, and other pertinent matters before the applicant finalizes the development proposal or otherwise spends large sums of money in laying out the proposed development.

3.7.2.1 Application Filing

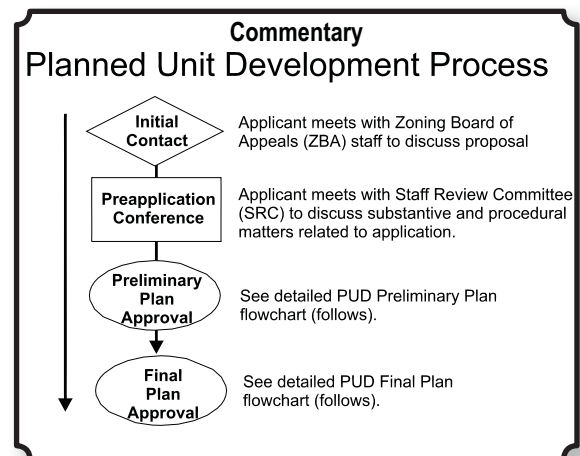
Applications for Preapplication Conferences shall be submitted to the Planning, Building and Development Department on forms available from the Planning, Building and Development Department.

3.7.2.2 Distribution of Application; Scheduling of Staff Review Committee Meeting

Upon receipt of a complete application for a Preapplication Conference, the Planning, Building and Development Director shall distribute copies of the application to the Staff Review Committee members and other affected Reviewing Agencies and place the matter on the agenda of the Staff Review Committee following the review period. The Planning, Building and Development Director shall notify the Staff Review Committee and the applicant of the date, time and place of the scheduled Staff Review Committee meeting.

3.7.2.3 Review of Application

Within 10 days of the receipt of a complete application for a Preapplication Conference, Staff Review Committee members shall review the application and provide written comments to the Planning, Building and Development Director. The Planning, Building and Development Director shall compile all comments received by the end of the review period for presentation to the applicant at the Staff Review Committee meeting.



3.7.2.4 Staff Review Committee Meeting

Staff Review Committee comments on the application shall be presented to the applicant at the scheduled Staff Review Committee meeting. Each member of the Staff Review Committee shall be given an opportunity to present their findings and recommendations on the application. Following the Staff Review Committee meeting, the Planning, Building and Development Director shall provide a written report to the applicant containing the written comments of the Staff Review Committee and instructions for proceeding with the Planned Unit Development process.

3.7.3 PUD Preliminary Plan/Plat

Upon completion of the Preapplication Conference stage of the PUD process, applicants shall prepare and submit a preliminary plan/plat for the proposed development. The PUD Preliminary Plan/Plat shall be processed concurrently with any required Zoning Map Amendment. All PUD Preliminary Plans shall require review and recommendation by the Zoning Board of Appeals and the Planning, Building and Zoning Committee. The County Board shall have final decision-making authority on PUD Preliminary Plans. The County Board's approval of the Preliminary Plan constitutes approval of the conceptual use and layout of the proposed PUD. [Revised 3.11.08]

3.7.3.1 Public Hearing Notice

Neighbor, Newspaper and Posted notice of the Zoning Board of Appeals' public hearing on PUD Preliminary Plans shall be provided in accordance with the requirements of §§3.1.7.

3.7.3.2 Staff Review and Recommendation

Planning, Building and Development Department staff shall review each PUD Preliminary Plan/Plat application in light of the PUD Preliminary Plan/Plat Criteria of §§3.7.3G and provide a report to the Zoning Board of Appeals.

3.7.3.3 Regional Planning Commission Review and Recommendation

- a. The Planning, Building and Development Director shall request that the Regional Planning Commission review and offer a recommendation on PUDs that are not consistent with the Regional Framework Plan and either [Revised 11.08.05]:

[Revised 11.08.05]

1. include 40 or more acres of land area;
 2. have the potential to allow development of 100 or more dwelling units or 100,000 or more square feet of nonresidential floor area; or
 3. in the opinion of the Planning, Building and Development Director, have the potential to generate significant regional impacts.
- b. Recommendations of the Regional Planning Commission shall be forwarded to any review and decision-making bodies on the proposed Planned Unit Development.

3.7.3.4 Zoning Board of Appeals' Review and Recommendation

The Zoning Board of Appeals shall hold a public hearing on the PUD Preliminary Plan/Plat and recommend approval, approval with conditions or denial of the application based on the PUD Preliminary Plan/Plat Approval Criteria of §§3.7.3G.

3.7.3.5 Planning, Building and Zoning Committee Review and Recommendation

After receiving the recommendation of the Regional Planning Commission and the Zoning Board of Appeals, the Planning, Building and Zoning Committee shall review the application and make a recommendation to the County Board based on the Approval Criteria of §§3.7.3G.

3.7.3.6 County Board Review and Action

After receiving the required recommendations, the County Board shall review the application and act to approve, approve with conditions or deny the application based on the Approval Criteria of §§3.7.3G. Any zoning map amendments required shall be considered concurrently with the PUD Preliminary Plan. Approval of a PUD Preliminary Plan shall constitute approval of a Conditional Use Permit which, together with any zoning change accompanying the Conditional Use Permit, shall not become effective until any Final PUD Plan/Plat for the development is approved in accordance with the procedures of Sec.10.2 and recorded in the office of County Recorder. [Revised 3.11.08]

3.7.3.7 Planning, Building and Zoning Committee Review and Action on Preliminary Plat (If PUD involves subdivision of land)

Subsequent to the approval of the Preliminary Plan by the County Board, and upon completion of review of the Preliminary Plat and Preliminary Engineering by the Staff Review Committee, the Planning Building and Development Director shall present the proposed Preliminary Plat to the Planning, Building and Zoning Committee for its consideration. After considering the matter, the Planning, Building and Zoning Committee shall act to approve, approve with conditions or disapprove the proposed Preliminary Plat. PUD Preliminary Plats shall be reviewed and approved in accordance with the Preliminary Plat procedures of §§10.2.3. The Planning, Building and Zoning Committee shall have final decision-making authority on Preliminary PUD Plats. [Revised 3.11.08]

3.7.3.8 PUD Preliminary Plan/Plat Approval Criteria

Recommendations and decisions on PUD Preliminary Plans shall be based on consideration of whether:

- a. the proposed development in its proposed location is consistent with the Regional Framework Plan [Revised 11.08.05];
- b. the proposed development in its proposed location complies with the PUD standards of Sec. 7.8;
- c. the proposed development in its proposed location will not result in a substantial adverse effect on any of the following, either as they exist at the time of application or as they may in the future be developed as a result of implementation of the Regional Framework Plan [Revised 11.08.05]:
 1. adjacent property,
 2. natural resources,

3. infrastructure,
4. public sites, or
5. any other matters affecting the public health, safety, or general welfare.

3.7.3.9 Effect of Approval

Once a PUD Preliminary Plan/Plat is approved, applicants shall proceed to the Final Plat stage of the development process for review and approval in accordance with the Final Plat procedures of §§10.2.4. If no plat is required for the proposed development, a Final PUD Plan shall be submitted and processed in accordance with the Final Plat procedures. The Planning, Building and Zoning Committee shall have final decision-making authority on Final PUD Plans and Plats.

3.7.3.10 Lapse of Approval

A PUD Preliminary Plan/Plat shall lapse and be of no further effect if a Final Plat or Final PUD Plan has not been approved within 24 months of the date of PUD Preliminary Plan/Plat approval. A PUD Preliminary Plan/Plat may be extended in accordance with the provisions of Article 10, Section 10.2.3N. [Revised 09.10.02]

3.7.4 Modification of Approved PUD Preliminary Plans/Plats

A Preliminary PUD Plan/Plat that has received final approval from the County Board may be modified only in accordance with procedures and standards of this subsection.

3.7.4.1 Definitions

a. Major Modification

A “Major Modification” to an approved Preliminary PUD Plan/Plat is modification that meets any of the following thresholds:

1. increases the number of dwelling units (when compared to the approved Preliminary PUD Plan/Plat);
2. increases the floor area devoted to nonresidential uses by more than the following amounts:

Site Area	Maximum Additional Floor Area
5 Acres	500 square feet
each additional full acre over 5 acres	100 square feet

3. increase nonresidential floor area by more than 5,000 square feet (compared to the approved Preliminary PUD Plan/Plat);
4. increases the impervious surface devoted to nonresidential uses by more than the following amounts:

Site Area	Maximum Additional Impervious Area
5 Acres	1,000 square feet
each additional full acre over 5 acres	425 square feet

5. increases impervious surface area by more than 20,000 square feet (compared to the approved Preliminary PUD Plan/Plat);
6. reduces the amount of open space required by the approved Preliminary PUD Plan/Plat;
7. increases the height of any building by more than 10 percent or 10 feet, whichever is less;
8. reduces the amount of landscaping by more than 5 percent; or
9. otherwise represents a change to the overall character of the previously approved PUD Plan.

b. Minor Modification

A “Minor Modification” to an approved Preliminary PUD Plan/Plat is any modification that is not a “Major Modification.”

3.7.4.2 Minor Modification Procedure

Minor modifications shall require review and approval in accordance with the following:

- a. The Staff Review Committee shall make a recommendation to the Planning, Building and Zoning Committee.
- b. Based upon recommendations from the Staff Review Committee, the Planning, Building and Zoning Committee shall make a final decision. Neighbor, Newspaper and Posted notice of the Planning, Building and Zoning Committee’s meeting shall be provided in accordance with the requirements of §§3.1.7.

3.7.4.3 Major Modification Procedure

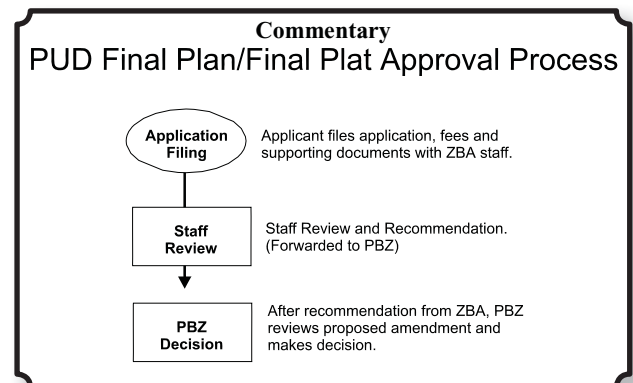
All major modifications shall require re-review and approval of PUD Preliminary Plan/Plat in accordance with the procedures of §§3.7.3.

3.7.4.4 Record

All approved major and minor modifications shall be recorded as amendments to the recorded copy of the Preliminary PUD Plan/Plat before they have any effect.

3.7.5 PUD Final Plans/Plats

PUD Final Plats shall be reviewed and approved in accordance with the Final Plat procedures of §§10.2.4. If no plat is required for the proposed development, a Final PUD Plan shall be submitted and processed in accordance with the Final Plat procedures of §§10.2.4. The Planning, Building and Zoning Committee shall have final decision-making authority on Final PUD Plans and Plats.



3.7.6 Modification of Approved PUD Final Plans/Plats

A Final PUD Plan/Plat that has received final approval from the Planning, Building and Zoning Committee may be modified only in accordance with procedures and standards of this subsection.

3.7.6.1 Definitions

a. Major Modification

A “Major Modification” to an approved Final PUD Plan/Plat is modification that meets any of the following thresholds:

1. increases the number of dwelling units (when compared to the approved Final PUD Plan/Plat);
2. increases the floor area devoted to nonresidential uses by more than the following amounts:

Site Area	Maximum Additional Floor Area
5 Acres	500 square feet
each additional full acre over 5 acres	100 square feet

3. increase nonresidential floor area by more than 5,000 square feet (compared to the approved Final PUD Plan/Plat);
4. increases the impervious surface devoted to nonresidential uses by more than the following amounts:

Site Area	Maximum Additional Impervious Area
5 Acres	1,000 square feet
each additional full acre over 5 acres	425 square feet

5. increases impervious surface area by more than 20,000 square feet (compared to the approved Final PUD Plan/Plat);
6. reduces the amount of open space required by the approved Final PUD Plan/Plat;
7. increases the height of any building by more than 10 percent or 10 feet, whichever is less;
8. reduces the amount of landscaping by more than 5 percent; or
9. otherwise represents a change to the overall character of the previously approved PUD Plan.

Commentary

“Minor modifications” include such activities as adding accessory structures and adding additions to existing primary structures, provided that they do not meet the threshold for classification as a “major modification.”

b. Minor Modification

A “Minor Modification” to an approved Final PUD Plan/Plat is any modification that is not a “Major Modification.”

3.7.6.2 Minor Modification Procedure

Minor modifications shall require review and approval in accordance with the following:

- a. The Staff Review Committee shall make a recommendation to the Planning, Building and Zoning Committee.
- b. Based upon recommendations from the Staff Review Committee, the Planning, Building and Zoning Committee shall make a final decision. Neighbor, Newspaper and Posted notice of the Planning, Building and Zoning Committee's meeting shall be provided in accordance with the requirements of §§3.1.7.

3.7.6.3 Major Modification Procedure

All major modifications shall require re-review and approval of a PUD Final Plan/Plat in accordance with the procedures of §§3.7.5.

3.7.6.4 Record

All approved major and minor modifications shall be recorded as amendments to the recorded copy of the Final PUD Plan/Plat before they have any effect.

Sec. 3.8 Site Development Permits

Site Development Permit review procedures are located in Sec. 8.1, with the Site Development Regulations.

Sec. 3.9 Design Review

Design Review is the procedure used for determining nonresidential developments' compliance with the General Development Standards of Article 9, including the Architectural Standards of Sec. 9.7. Design Review is not conducted as a separate, stand-alone procedure, but rather is carried out as part of the review of a subdivision or Conditional Use Permit application.

3.9.1 Applicability

All nonresidential subdivisions and Conditional Use Permit applications for nonresidential uses shall be subject to Design Review.

3.9.2 Procedure

Design review shall be conducted as part of the review of the applicable nonresidential subdivision or Conditional Use Permit application. All applicable subdivision or Conditional Use Permit review procedures shall apply, including any appeal procedures. In their review of developments that are subject to Design Review, review and decision-making bodies shall consider, in addition to the approval criteria that apply to the subdivision or Conditional Use Permit, whether the application complies with the General Development Standards of Article 9, including the Architectural Standards of Sec. 9.7.

Sec. 3.10 Certificates of Occupancy

No land or building shall be occupied or used in whole or in part for any use whatsoever until a Certificate of Occupancy has been issued by the Planning, Building and Development Director, indicating that the building or use complies with all requirements of this Ordinance. Upon completion of any building or other structure in accordance with applicable building permit requirements and prior to occupancy, a Certificate of Occupancy

is required for the use originally designated. Such building or other structure and its use shall be subject to all relevant requirements of this Ordinance.

Sec. 3.11 Sign Plans and Sign Permits

This section sets out the procedures for review and approval of Sign Plans and Sign Permits for signs requiring permits under Sec. 9.9.

3.11.1 Sign Plans

3.11.1.1 Applicability

Sign Plan approval shall be required for any site containing or proposed to contain more than one sign. No Sign Permit shall be issued for a site that is subject to Sign Plan requirements until a Sign Plan has been approved. Temporary signs shall be exempt from sign plan requirements.

3.11.1.2 Application Filing

Sign Plan applications shall be submitted to the Planning, Building and Development Department on forms available from the Planning, Building and Development Department.

3.11.1.3 Staff Review and Action

The Planning, Building and Development Director shall review each proposed Sign Plan application in accordance with the Sign Plan review criteria set forth in §§3.11.1D and act to approve, approve with conditions or deny the Sign Plan.

3.11.1.4 Sign Plan Approval Criteria

A Sign Plan may be approved only if the Planning, Building and Development Director determines that all of the following approval criteria have been met:

- a. the Sign Plan complies with all applicable standards of this Ordinance, including the sign regulations of Sec. 9.9;
- b. the Sign Plan is consistent with any approved or concurrently proposed PUD, subdivision or site plan for the site, including the parking and landscaping provisions of such plan; and
- c. all aspects of the Sign Plan are consistent with any conditions imposed on the site under any applicable approvals.

3.11.1.5 Simultaneous Review

An applicant for approval of a Planned Unit Development (Sec. 3.7), Conditional Use Permit (Sec. 3.6), Site Plan or Subdivision Plat may submit an application for approval of a Sign Plan concurrently with the application for approval of such plan or permit and the two shall be reviewed and acted on simultaneously.

3.11.2 Individual Sign Permits

3.11.2.1 Applicability

Signs identified with a “P” in Table 9.9-1 shall be erected, installed or created only in accordance with a duly issued and valid sign permit.

3.11.2.2 Application Filing

Sign Permit applications shall be submitted to the Planning, Building and Development Department on forms available from the Planning, Building and Development Department.

3.11.2.3 Staff Review and Action

The Planning, Building and Development Director shall review each proposed Sign Permit application for the purpose of determining whether the proposed sign complies with all applicable sign regulations of Sec. 9.9 and the Sign Plan, if applicable. Based on that review, the Planning, Building and Development Director shall:

- a. Issue the Sign Permit, if the sign complies in every respect with the standards of Sec. 9.9 and the Sign Plan, if applicable; or
- b. Deny the sign permit if the sign fails in any way to comply with the standards of Sec. 9.9 or the applicable Sign Plan.

3.11.2.4 Lapse of Approval/Inspections

If an approved sign has not been erected or put in place within 6 months of the issuance of the Sign Permit, the Sign Permit shall lapse and be of no further effect. The applicant shall request that the county inspect the sign at the end of the 6-month period following issuance of the Sign Permit. If, upon inspection, the construction is substantially incomplete, the Planning, Building and Development Director shall give the property owner or tenant notice that the Sign Permit has lapsed. If, upon inspection, the construction is found to be substantially complete but not in full compliance with Sec. 9.9 or other applicable codes, the Planning, Building and Development Director shall give the property owner or tenant notice of the deficiencies and shall allow an additional 30 days from the date of inspection for the deficiencies to be corrected. If the deficiencies are not corrected by such date, the Sign Permit shall lapse and the sign shall be removed immediately. The failure to remove a sign for which a permit has lapsed shall be unlawful.

Sec. 3.12 Vacations

This section sets out the required review and approval procedures for vacating plats and rights-of-way.

3.12.1 Authority to File Vacation Application

The following groups and individuals shall have standing to file a Vacation application.

- 3.12.1.1** The owner of the property that is the subject of the Vacation request may file a Vacation application.

- 3.12.1.2** Property owners adjoining unimproved public street rights-of-way within their subdivision may file for the Vacation of said rights-of-way. For rights-of-way internal to a subdivision, the adjoining property owners on both sides of the right-of-way to be vacated shall be required to jointly file for the Vacation of said right-of-way. For rights-of-way which form the edge of a subdivision, only the adjoining property owners within the subdivision shall be required to file for the Vacation of said right-of-way.
- 3.12.1.3** In accordance with Illinois Statutes [Revised 09.10.02] a bona fide association of property owners may file to vacate any unimproved street right-of-way within their subdivision provided the following conditions are met:
- a. The association shall be registered with the State of Illinois and be organized to receive, hold and convey real property; and
 - b. The association has filed a petition in accordance with Section 3.12.2 to vacate the right-of-way within the unincorporated area of Lake County; and
 - c. The association undertakes to develop the property for the use and benefit of the association in a manner that is compatible with the existing adjoining land uses. [Revised 09.10.02]

3.12.2 Application Filing

Applications for Vacations shall be submitted to the Planning, Building and Development Department on forms available from the Planning, Building and Development Department.

3.12.3 Liability

As part of a Vacation application, the applicant shall indemnify and hold Lake County harmless for damages resulting to any person as a result of the Vacation.

3.12.4 Distribution of Application

Upon receipt of a complete Vacation application, the Vacation Officer [Revised 09.10.02] shall distribute copies of the application to all affected Reviewing Agencies and place the Vacation application on the agenda of the Board of Vacations.

3.12.5 Public Hearing Notice

Newspaper and Neighbor notice of the Board of Vacations' public hearing shall be provided in accordance with the requirements of §§3.1.7. Written notice of the hearing shall also be provided to the applicant.

3.12.6 Board of Vacations' Review and Recommendation

The voting members of the Board of Vacations shall make an on-site inspection of the property proposed to be vacated and hold a public hearing on the proposed Vacation. As part of the testimony, the Vacation Officer [Revised 09.10.02] shall announce the purchase price of any area involved in the Vacation, which shall be established in accordance with the procedures of the County Board. Following the public hearing and before consideration by the Planning, Building and Zoning Committee, the Board of Vacations shall recommend approval, approval in part, or denial of the Vacation. An affirmative vote of 2 out of the 3 voting members of the Board of Vacations is required to make a recommendation upon a Vacation. A member of the Board of Vacations who did not attend the public hearing may vote on the matter provided that the Board of Vacations member has studied the minutes and visited the site. The Vacation Officer [Revised 09.10.02] shall be responsible for preparing a record of the testimony received at the public hearing and preparing a written report of the findings and recommendations of the Board of Vacations to the Planning, Building and Zoning Committee.

3.12.7 Planning, Building and Zoning Committee Review and Recommendation

The Vacation Officer [Revised 09.10.02] shall present the recommendation of the Board of Vacations to the Planning, Building and Zoning Committee, after which the Planning, Building and Zoning Committee shall act to recommend that the County Board approve, approve with conditions or deny the Vacation.

3.12.8 Payment of Purchase Price

Prior to County Board action on the Vacation application, the applicant shall deposit the purchase price (if any) of the vacated area with the Vacation Officer [Revised 09.10.02]. The Chairman of the Board of Vacations shall return these funds to the applicant if the Vacation is denied by the County Board. Upon approval of the Vacation by the County Board, funds will be deposited in the appropriate county account.

3.12.9 County Board Review and Action

The County Board shall vote on the recommendation and Resolution of Vacation of the Planning, Building and Zoning Committee. An affirmative vote of at least two-thirds of the County Board is required to grant a Vacation.

3.12.10 Recordation

After County Board approval of a Vacation, the Vacation Officer [Revised 09.10.02] shall obtain the County Board Resolution and shall obtain the Plat Officer's signature on the Deed of Vacation (Quit Claim Deed). The petitioner, in the presence of the Vacation Officer [Revised 09.10.02], shall present the County Board Resolution and the Deed of Vacation for recording with the County Recorder.

3.12.11 Effect of Vacation

The Vacation of any subdivision plat or right-of-way shall not be deemed to be a vacation of the rights of any other individual or agency in, or related to, the subdivision plat or right-of-way. The approval of a Vacation does not, for example, vacate the rights of a public utility with facilities in the subject right-of-way.

Sec. 3.13 Zoning Variances

3.13.1 Applicability

This section provides a procedure for gaining approval of variances from the standards of this Ordinance, except those of Sec. 3.12 or, Article 10 and Article 11 or Sec. 12.4.4. A and B [Revised 09.10.02], in order to relieve hardships and achieve parity among properties similarly located and classified.

3.13.2 Classification of Zoning Variances

3.13.2.1 Administrative Variance

A request to modify by 10 percent or less any numeric standard of this Ordinance [Revised 11.08.05], except those related to maximum allowed densities [Revised 11.08.05], may be heard and decided by the Director of Planning, Building and Development as an Administrative Variance, in which case no public hearing is required. However, before such variance may be granted, a notice of the intent to grant such variance

Commentary

Waivers from the Vacation [Revised 09.10.02] standards of Sec. 3.12, Subdivision and Land Dedication standards [Revised 09.10.02] of Articles 10 and 11, Development Standards for Nonconforming Recorded Lots of Sec. 12.4.4.A. and Plats of Consolidation standards of Sec. 12.4.4.B [Revised 09.10.02] shall be processed in accordance with the procedures of Sec. 10.2.5.

shall be sent by certified mail to all adjoining landowners as well as those located directly across any street from the subject property. If any such landowner files a written request for public hearing with the Director within 15 calendar days of receipt of such notice [Revised 11.08.05], the variance shall then be processed as either a Minor or Major Variance. The decision on an Administrative Variation shall be based on the Approval Criteria of §§3.13.3D and Findings of Fact shall be made in accordance with §§3.13.3E [Revised 11.14.00]

3.13.2.2 Minor Zoning Variance

A modification of 20 [Revised 11.14.00] percent or less of any numeric standard (except those of Article 4 and Article 8) and except those that are Administrative Variance or are [Revised 11.14.00] related to maximum allowed densities or building height shall be classified and may be processed as Minor Zoning Variances.

3.13.2.3 Major Zoning Variance

Any request for a variance from the standards of this Ordinance that does not qualify as an Administrative Variance or [Revised 11.14.00] a "Minor Zoning Variance" shall be processed and classified as a "Major Zoning Variance."

3.13.3 Zoning Variance Procedure

3.13.3.1 Application Filing

Applications for Zoning Variances shall be submitted to the Planning, Building and Development Department on forms available from the Planning, Building and Development Department.

3.13.3.2 Public Hearing Notice

Neighbor, Newspaper and Posted notice of the public hearing shall be provided in accordance with the requirements of §§3.1.7.

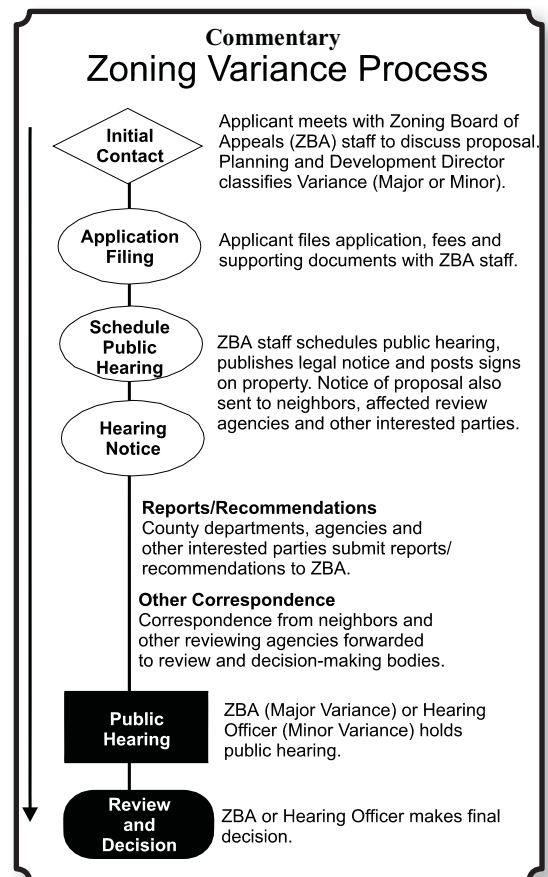
3.13.3.3 Review and Action

a. Minor Zoning Variances

The Hearing Officer shall hold a public hearing on Minor Zoning Variance requests and act to approve, approve with conditions or deny the Minor Zoning Variance based on the Approval Criteria of §§3.13.3D.

b. Major Zoning Variances

The Zoning Board of Appeals shall hold a public hearing on Major Zoning Variance requests and act to approve, approve with conditions or deny the Major Zoning Variance based on the Major Zoning Variance Approval Criteria of §§3.13.3D. At least 4 affirmative votes shall be required to approve a Major Zoning Variance.



3.13.3.4 Approval Criteria

Zoning Variances may be approved only upon a finding that all of the following criteria have been met. Use variations are specifically prohibited. [Revised 06.13.06]

- a. Exceptional conditions peculiar to the applicant's property. [Revised 06.13.06]
- b. Practical difficulties or particular hardships in carrying out the strict letter of the regulation. [Revised 06.13.06]
- c. Harmony with the general purpose and intent of the zoning regulations. [Revised 06.13.06]

3.13.3.5 Findings of Fact; Written Transcripts

All decisions on Zoning Variances shall be supported by findings of fact specifying the reasons for the decision. A written transcript of the hearing shall be prepared for all Major Zoning Variances.

3.13.4 Special Zoning Variance Regulations for Floodplain Property

3.13.4.1 Notifications and Acknowledgments

- a. Upon receipt of an application for any variance affecting floodplain lands or affecting any floodplain regulation of this Ordinance, Planning, Building and Development Department staff shall notify the applicant in writing that:
 - 1. The issuance of a variance to construct a structure below the flood base elevation will result in increased premium rates for flood insurance, and
 - 2. Such construction below the flood base elevation increases risks to life and property.
- b. Notice of the proposed variance and public hearing shall be provided to the Stormwater Management Commission's Chief Engineer at least 15 days prior to the public hearing.
- c. The applicant shall be required to acknowledge in writing that they assume all risks and liabilities connected with such activities. A copy of the notification and the applicant's acknowledgment shall be maintained by the Planning, Building and Development Department.

3.13.4.2 Supplementary Findings of Fact

In addition to any other findings of fact required for zoning variances, in deciding on variances affecting floodplain lands or any floodplain regulations, findings of fact shall be made by the Zoning Board of Appeals on each of the following matters based on the evidence presented.

- a. A finding that the granting of a variance would not result in increased flood heights, additional threats to public safety or extraordinary public expense, nor create nuisances, cause fraud or victimization of the public, nor conflict with existing local laws or ordinances and that all buildings will be protected by methods that minimize flood damage during the base flood event;

- b. A finding that the development activity can not be located outside the floodplain; and
- c. A finding that the development activity is not in a regulatory floodway.

Sec. 3.14 Written Interpretations

3.14.1 Application Filing

Applications for Written Interpretations of this Ordinance shall be submitted to the Planning, Building and Development Department on forms available from the Planning, Building and Development Department.

3.14.2 Planning, Building and Development Director's Review and Decision

Within 30 days of receipt of a complete application for a Written Interpretation, the Planning, Building and Development Director shall: (1) review and evaluate the application in light of the text of this Ordinance, the Official Zoning Maps, the Regional Framework Plan [Revised 11.08.05] and any other relevant documents, including, if applicable, the Similar Use Interpretation standards of §§14.1.2; (2) consult with other staff; and (3) render a written interpretation.

3.14.3 Form

The interpretation shall be provided to the applicant in writing and shall be filed in the official record of interpretations.

3.14.4 Official Record of Interpretations

An official record of interpretations shall be maintained and made available for public inspection in the Planning, Building and Development Department office during normal business hours.

3.14.5 Appeals

Appeals of the Planning, Building and Development Director's written interpretation may be taken to the Zoning Board of Appeals in accordance with the procedures of Sec. 3.15.

Sec. 3.15 Appeals of Administrative Decisions

3.15.1 Authority

The Zoning Board of Appeals shall be authorized to hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the administration or enforcement of this Ordinance.

3.15.2 Right to Appeal

Appeals of Administrative Decisions may be filed by any person aggrieved by a decision of an administrative official in the administration or enforcement of this Ordinance.

3.15.3 Application Filing

Applications for Appeals of Administrative Decisions shall be submitted to the Planning, Building and Development Department on forms available from the Planning, Building and Development Department. Appeals of Administrative Decisions shall be filed within 30 days of the date of the decision being appealed.

3.15.4 Effect of Filing

The filing of a complete application for appeal stays all proceedings in furtherance of the action appealed, unless the official whose decision is being appealed certifies to the Zoning Board of Appeals, after the appeal is filed, that, because of facts stated in the certification, a stay would cause immediate peril to life or property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Zoning Board of Appeals, or by a court of record.

3.15.5 Record of Administrative Decision

The official whose decision is being appealed shall transmit to the Zoning Board of Appeals all papers constituting the record upon which the action appealed is taken.

3.15.6 Notice

Newspaper notice of the Zoning Board of Appeals' public hearing shall be provided in accordance with the requirements of §§3.1.7. Neighbor notice shall be provided on matters affecting specific properties.

3.15.7 Zoning Board of Appeals' Review and Action

The Zoning Board of Appeals shall hold a public hearing on the Appeal. The Zoning Board of Appeals shall grant to the administrative official's decision a presumption of correctness, placing the burden of persuasion of error on the appellant. In exercising the appeal power, the Zoning Board of Appeals shall have all the powers of the official from whom the appeal is taken, and the Zoning Board of Appeals may reverse or affirm wholly or partly or may modify the decision being appealed. If the Zoning Board of Appeals determines that it is necessary to obtain additional evidence in order to resolve the matter, it shall remand the appeal to the official from whom the appeal is taken, with directions to obtain such evidence and to reconsider the decision in light of such evidence. The Zoning Board of Appeals shall take action on an Appeal within a reasonable period of time after application submittal, but in no case more than 30 days after their receipt of the written hearing transcript. A concurring vote of 4 members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of an administrative official.

3.15.8 Approval Criteria; Findings of Fact

An appeal shall be sustained only if the Zoning Board of Appeals finds that the administrative official erred. Every decision of the Zoning Board of Appeals shall be accompanied by a written finding of fact specifying the reason for the decision. Those written findings shall be filed in the office of the Zoning Board of Appeals.